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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

MARK F. DURFEE,

Plaintiff,

vs.

**EQUINOX CAPITAL III, L.P.,
EQUINOX CAPITAL SBIC, L.P.,
EQUINOX PARTNERS III, LLC,
EQUINOX SBIC PARTNERS, LLC,
EQUINOX CAPITAL, INC.,
EQUINOX SMU MANAGEMENT,
LLC, EQUINOX SMU PARTNERS,
LLC, SMU HOLDINGS, INC, SMU
ACQUISITION CORP., EQUINOX
EIC MANAGEMENT LLC,
EQUINOX EIC PARTNERS, LLC,
EIC ACQUISITION CORP., EIC
HOLDING, INC., EIC SMU
ACQUISITION CORP. and STEVEN
C. RODGER,**

Defendants.

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: **CIVIL ACTION NO.:**
: **2:08-cv-02977 (KSH/PS)**
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Document Electronically Filed

CIVIL ACTION – VOLUNTARY STIPULATION OF DISMISSAL

The undersigned attorneys for Plaintiff Mark F. Durfee hereby voluntarily stipulate and agree to the dismissal of this civil action in accordance with Fed. R. Civ. P. 41(a)(1).

**McELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP**

Attorneys for Plaintiff Mark F. Durfee

Date: August 22, 2008

By: /s/ Thomas P. Scrivo

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